

# BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

MUR 5192

Buchanan for President, Inc. )

and Angela "Bay" Buchanan, as treasurer )

## CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe the Buchanan for President, Inc., and Angela "Bay" Buchanan, as treasurer ("Respondent") accepted excessive contributions in violation of 2 U.S.C. §§ 441a(f) and prohibited contributions in violation of 2 U.S.C. § 441b.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

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1. No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A).

2. No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

3. It is unlawful for any national bank or corporation to make a contribution or expenditure in connection with any election to any political office. 2 U.S.C. § 441b(a).

4. Contributions which on their face exceed the contribution limitations, and those which do not appear to be excessive on their face, but which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3).

5. If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 C.F.R. §§ 110.1(b), 110.1(k), or 110.2(b), as appropriate. If a redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor. *Id.*

6. Publicly-financed primary election committees are required to notify the Commission of any outstanding checks to creditors or contributors that have not been cashed. 11 C.F.R. § 9038.6. Committees must inform the Commission of their efforts to locate the payees and their efforts to encourage the payees to cash the outstanding checks.

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11 C.F.R. § 9038.6. Committees are required to pay an amount to the United States Treasury for the amount of the outstanding checks. 11 C.F.R. § 9038.6.

7. Buchanan for President, Inc. is a political committee within the meaning of 2 U.S.C. § 431(4).

8. Angela "Bay" Buchanan is the treasurer Buchanan for President, Inc.

9. On January 14, 1999, the Commission determined that Respondent must pay \$27,431 to the United States Treasury for stale-dated checks.

10. Of the \$27,431 in stale-dated checks, \$25,895 represents contribution refunds of excessive contributions, and \$519 represents checks written to corporations.

11. If committee fails to issue payment for the outstanding checks for excessive contribution refunds, corporate contributions or checks written to corporate vendors, this will result in a violation of 2 U.S.C. §§ 441a(f) and 441b which prohibits the receipt of excessive and prohibited contributions, respectively.

12. Respondent did not make a payment to the United States Treasury for stale-dated checks.

V. Respondent accepted excessive contributions in violation of 2 U.S.C. § 441a(f) and prohibited contributions in violation of 2 U.S.C. § 441b.

VI. Respondent will disgorge to the United States Treasury \$27,431 which represents the total amount of stale-dated checks.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any

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requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

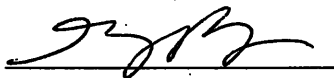
IX. Respondent shall have no more than 90 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lois G. Lerner  
Acting General Counsel

BY:

  
Gregory R. Baker  
Acting Associate General Counsel

Date

8/7/01

FOR THE RESPONDENT:

  
Angela "Bay" Buchanan  
Treasurer

Date

7/17/01